

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Proposed

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Rogers Group, Inc - Hopkinsville Asphalt
Mailing Address: P.O. Box 25250
Nashville, Tennessee 37202

Source Name: Rogers Group, Inc - Hopkinsville Asphalt Plant
Mailing Address: Same as above

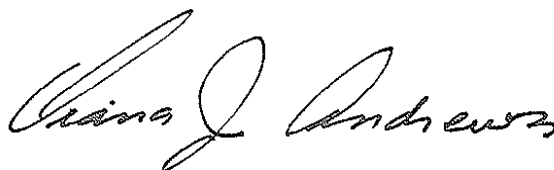
Source Location: Highway 41A
Hopkinsville, Kentucky 42241

Permit Number: V-07-006
Source A. I. #: 789
Activity #: APE20040002
Review Type: Title V, Operating
Source ID #: 21-047-00060

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, Kentucky 42003-9435
(270) 898-8468

County: Christian

Application
Complete Date: February 21, 2007
Issuance Date: July 26, 2007
Revision Date: N/A
Expiration Date: July 26, 2012



**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 01 (-) Rotary Dryer – Natural Gas, Fuel Oil, or Waste Oil Fired
(H & B Model) (Batch Mix)
(Maximum Rated Capacity – 350 tons/hour)
Constructed: 1985
Control Equipment: Baghouse (Primary)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 60:005, Standards of performance for new stationary sources, which incorporates by reference 40 CFR 60.90 (40 CFR 60, Subpart I).

State Regulation 401 KAR 44:010, Standards for the management of used oil, which incorporates by reference 40 CFR 279, Subpart B.

1. Operating Limitations:

The owner or operator shall comply with the following fuel usage requirements. Waste oil shall not be used as a fuel for the rotary dryer or the asphalt heater unless it has been recycled and meets or exceeds the following specifications:

- a. No more than five (5) ppm of arsenic,
- b. No more than two (2) ppm of cadmium,
- c. No more than ten (10) ppm of chromium,
- d. No more than 100 ppm of lead,
- e. No more than 1000 ppm of total halogens, and
- f. Minimum flash point of 100 degrees F.

2. Emission Limitations:

- a. Pursuant to Regulation 40 CFR 60.92(a)(1), particulate matter emissions into the open air shall not exceed 0.04 gr/dscf.
- b. Pursuant to Regulation 40 CFR 60.92(a)(2), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method:

- a. Performance tests used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5. The sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

Compliance Demonstration Method:

- b. In determining initial compliance with the opacity standards as listed above, the owner or operator shall use, as directed by 40 CFR 60.93(b)(2), Method 9 and the procedures as described in 40 CFR 60.11.
- c. See Section G, Condition (a) 18.

3. Testing Requirements:

- a. See Section F, Condition 11.
- b. See Section G, Condition (d) 5, 7, and 8.

4. Specific Monitoring Requirements:

- a. Daily observations are required during daylight hours of all operations and control equipment to ensure the control equipment is functioning while the associated equipment is in operation and to determine if any air emissions are visible from the equipment or the controls. If visible emissions are observed, the permittee shall perform a Method 9 reading. The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluation. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and date of certification.
- b. The permittee shall install, calibrate, maintain, and operate according to the manufacturer's specifications a monitoring device to determine the static pressure drop across each baghouse. This monitoring device will be read and this reading recorded once a day during the operation of each respective dryer.
- c. See Section F, Conditions 2, 7, and 8.

5. Specific Recordkeeping Requirements:

Monthly logs of asphalt production and fuel usage shall be maintained as follows:

- a. The production log shall show the amount of asphalt produced each month, in tons.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements: (Continued)

- b. The fuel usage log shall show the type and amount of fuels used each month. Fuel oils shall be identified by number (i.e., #2, #4, etc.) and fuel usage shall be expressed in gallons. Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage log for all fuel oils purchased and used. Natural gas fuel usage shall be expressed in millions of cubic feet per month.
- c. All logs and MSDS sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the Cabinet.
- d. The permittee shall maintain records of the following information for the baghouses:
 - 1) The design and/or manufacturer's specifications.
 - 2) The operational procedures and preventative maintenance records.
 - 3) Daily records of the pressure drop across the baghouse during all periods of operation.
 - 4) During all periods of startup, shutdown, or malfunction of the baghouse, a daily (calendar day) log shall be kept of whether any air emissions were visible from the stack associated with the baghouse.
- e. Records of opacity monitoring data, including daily observations, and support information shall be kept in accordance with the provisions of Section F. Condition 2. See 4.a. above.
- f. A log shall be kept of all routine and non-routine maintenance performed on each control device.
- g. See Section F, Conditions 1 and 2.
- h. See **4. Specific Monitoring Requirements** above for additional recordkeeping requirements.

6. Specific Reporting Requirements:

- a. See Section F, Conditions 5, 6, 7, 8, 9, 10, and 11.
- b. See Section G, Conditions (a)5 and 6, (d)2, and (f)1.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

- a. The baghouse associated with Emission Point 01 (-) shall control particulate emissions and shall be in place, properly maintained, and in operation in accordance with the manufacturer's specifications and/or standard operating procedures at all times the associated emission points are in use. A log shall be kept of all routine and non-routine maintenance performed on the control device. The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when the emission point is in operation but the baghouse is not.
- b. See Section E for additional requirements

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 02** (-) **Aggregate Handling**
Control: Wet Suppression
- (-) **Stockpiles**
Control: Wet Suppression
- 03** (-) **Haul Road and Yard Area (Paved)**
Control: Wet Suppression
- (-) **Haul Road and Yard Area (Unpaved)**
Control: Wet Suppression

RAP Unit

- 04** (-) **Loadout (To RAP Stockpile)**
Control: Wet Suppression
- (-) **RAP Stockpile**
Control: Wet Suppression
- (-) **Loadout (From RAP Stockpile to RAP Receiving Hopper)**
Control: Wet Suppression
- (E1) **RAP Receiving Hopper**
Control: Wet Suppression

APPLICABLE REGULATION:

State Regulation 401 KAR 63:010, Fugitive Emissions, applies to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. The materials processed at each affected facility listed above shall be controlled with wet suppression, enclosures, and/or dust collection equipment so as to comply with the requirements specified in Regulation 401 KAR 63:010, Fugitive emissions, Section 3. Standards for fugitive emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

- b. Pursuant to Regulation 401 KAR 63:010, Section 3 (1), no person shall cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:
 - 1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - 2) Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
 - 3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.
 - 4) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
 - 5) The maintenance of paved roadways in a clean condition;
 - 6) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.
- c. Pursuant to Regulation 401 KAR 63:010, Section 3 (2), no person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.
- d. Pursuant to Regulation 401 KAR 63:010, Section 3 (3), when dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any administrative regulation, the Secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or air-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.
- e. Pursuant to Regulation 401 KAR 63:010, Section 4, Additional Requirements, in addition to the requirements of Section 3 of this regulation, the following shall apply:
 - 1) Pursuant to Regulation 401 KAR 63:010, Section 4 (1), open bodied trucks, operating outside company property, transporting materials likely to become airborne shall be covered at all times when in motion.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

- e. 2) Pursuant to Regulation 401 KAR 63:010, Section 4 (4), no one shall allow earth or other material being transported by truck or earth moving equipment to be deposited onto a paved street or roadway.

Compliance Demonstration Method:

- a. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
 - Pursuant to Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation in accordance with the manufacturer's specifications and/or standard operating procedures at any time an affected facility for which the equipment and measures are designed is operated, except as provided by Regulation 401 KAR 50:055, Section 1. The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when the emission points are in operation but the associated control equipment is not.
- b. See 4. Specific Monitoring Requirements below.

3. Testing Requirements:

See Section G, Condition (d)5.

4. Specific Monitoring Requirements:

- a. Daily observations are required during daylight hours of all operations to determine if any air emissions are visible from the equipment.
- b. See Section F, Conditions 2, 7, and 8.

5. Specific Recordkeeping Requirements:

- a. Records of daily observations, and support information shall be kept in accordance with the provisions of Section F. Condition 2. See 4.a. above.
- b. A log shall be kept of all routine and non-routine maintenance performed on each control device associated with the listed control method.
- c. See Section F, Condition 2.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

- a. See Section F, Conditions 5, 6, 7, 8, 9, and 10.
- b. See Section G, Conditions (a)5 and 6, (d)2, and (f)1.

7. Specific Control Equipment Operating Conditions:

- a. The control method associated with Emission Points 02, 03, and 04 shall control particulate emissions and shall be utilized in accordance with standard operating procedures to ensure compliance with the emission limitations listed in **2.** above. A log shall be kept of all routine and non-routine maintenance performed on each control device associated with the listed control method.
- b. See Section E for additional requirements

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**RAP Unit**

- 05 (-) **RAP Conveyor and Transfer Points (30" x 20') (To RAP Crusher)**
 (Maximum Process Rate – 50 tons/hour)
 Constructed: 1998
 Control: Wet Suppression
- (E2) **RAP Crusher (Herman Grant Cage Mill 8512015)**
 (Maximum Rated Capacity – 50 tons/hour)
 Constructed: 1998
 Control: Wet Suppression
- (-) **RAP Conveyor and Transfer Points (30" x 80') (To Rotary Dryer)**
 (Maximum Process Rate – 50 tons/hour)
 Constructed: 1998
 Control: Wet Suppression

APPLICABLE REGULATIONS:

State Regulation 401 KAR 60:670, New nonmetallic mineral processing plants (40 CFR 60, Subpart OOO as modified by Section 3 of 401 KAR 60:670), applies to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a) Fugitive emissions from the RAP crusher, emission point 05 (E2), shall not exhibit greater than fifteen percent (15%) opacity, as specified in State regulation 401 KAR 60:670 [40 CFR 60.672(c)].
- b) Fugitive emissions from the RAP conveyors and transfer points, emission point 05 (-); shall not exhibit greater than ten percent (10 %) opacity, each, as specified in State Regulation 401 KAR 60:670 (40 CFR 60.672(b)).

Compliance Demonstration Method:

- a. In determining initial compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c), except for wet processes, which are exempt from Method 9, as specified in 40 CFR 60.675 (h)(1) and (2).

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

Compliance Demonstration Method: (Continued)

- b. See Section G, Condition (a) 18.

3. Testing Requirements:

- a. See Section F, Condition 11.
- b. See Section G, Condition (d)5, 7, and 8.

4. Specific Monitoring Requirements:

- a. Daily observations are required during daylight hours of all operations and control equipment to ensure the control equipment is functioning while the associated equipment is in operation and to determine if any air emissions are visible from the equipment or the controls. If visible emissions are observed, the permittee shall perform a Method 9 reading. The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluation. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and date of certification.
- b. See Section F, Conditions 2, 7, and 8.

5. Specific Recordkeeping Requirements:

- a. Records of opacity monitoring data, including daily observations, and support information shall be kept in accordance with the provisions of Section F. Condition 2. See 4.a. above.
- b. A log shall be kept of all routine and non-routine maintenance performed on each control device.
- c. See Section F, Conditions 1 and 2.

6. Specific Reporting Requirements:

- a. See Section F, Conditions 5, 6, 7, 8, 9, 10, and 11.
- b. See Section G, Conditions (a)5 and 6, (d)2, and (f)1.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

- a. The control equipment associated with Emission Point 05 shall control particulate emissions and shall be in place, properly maintained, and in operation in accordance with the manufacturer's specifications and/or standard operating procedures to ensure compliance with the emission limitations listed in **2.** above. A log shall be kept of all routine and non-routine maintenance performed on each control device.
- b. See Section E for additional requirements

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Asphalt Heater (Batch)	N/A

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the Cabinet Provisions and Procedures for issuing Title V Permits incorporated by reference in Regulation 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Sections 1b (IV)2 and 1a(8) of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
3. In accordance with the requirements of 401 KAR 52:020, Section 3(1)h, the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Division's Paducah Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. [Section 1b (V)1 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
6. The semi-annual reports are due by January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020, Section 23. All deviations from permit requirements shall be clearly identified in the reports.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

7. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Paducah Regional Office concerning startups, shutdowns, or malfunctions as follows
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Division for Air Quality's Paducah Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6. [Section 1b (V)3 and 4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
9. Pursuant to Regulation 401 KAR 52:020, Title V Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the Regional Office) to the Division for Air Quality's Paducah Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status of the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality	U.S. EPA Region 4	Division for Air Quality
Paducah Regional Office	Air Enforcement Branch	Central Files
130 Eagle Nest Drive	Atlanta Federal Center	803 Schenkel Lane
Paducah, KY 42003-9435	61 Forsyth St.	Frankfort, KY 40601
	Atlanta, GA 30303-8960	
10. In accordance with Regulation 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five (45) days or sooner if required by an applicable standard, after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of Regulation 401 KAR 52:020 and the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit. [Section 1a 3 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition. [Section 1a, 6 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with Regulation 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U.S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking, and reissuing, or terminating the permit; or compliance with the conditions of this permit. [Section 1a, 7 and 8 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority. [401 KAR 52:020, Section 7(1)]

SECTION G - GENERAL PROVISIONS (CONTINUED)

(a) General Compliance Requirements (Continued)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal action or other action shall not invalidate any other portion or condition of this permit. [Section 1a, 14 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a, 4 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a, 15 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in Regulation 401 KAR 50:038, Section 3(6). [Section 1a, 10 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020, Section 11(3)(b)]
11. This permit does not convey property rights or exclusive privileges. [Section 1a, 9 of the Cabinet Provisions and Procedures for Issuing Title V Permits incorporated by reference in 401 KAR 52:020, Section 26]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Environmental and Public Protection Cabinet or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(3)(a)]
15. This permit consolidates the authority of any previous issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(a) General Compliance Requirements (Continued)

16. Pursuant to Regulation 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in the permit and
 - b. Non-applicable requirements expressly identified in this permit.
17. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol Form, DEP Form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the Cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least thirty (30) days prior to the test.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six (6) months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:020, Section 12]
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets. [401 KAR 52:020, Section 8(2)]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Construction, Start-up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to Regulation 401 KAR 52:020, Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to Regulations 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state, or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:020, Section 24(3)]
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020, Section 24(2)]

(g) Risk Management

1. The permittee shall comply with all applicable requirements of Regulation 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD, 20703-1515

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone Depleting Substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined in 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditiones.

SECTION H - ALTERNATE OPERATING SCENARIOS

N/A

SECTION I - COMPLIANCE SCHEDULE

N/A